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SUPREME COURT, U.S.

JAMES P. LEE, JR. and RONALD RICH, Plaintiffs	::	
vs.	::	
WILLIAM THORNTON, District Director of United States Customs for the District of Vermont; VERNON D. ACREE, United States Commissioner of Customs; WILLIAM E. SIMON, United States Secretary of the Treasury; and THE UNITED STATES OF AMERICA, Defendants	::	APPELLATE DOCKET NO. 73-7006

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COME the above-named appellants, by their respective counsel, and move the Court pursuant to Rule 53 of the Supreme Court Rules and 28 U.S.C. § 1915 for leave to proceed in this case without the payment of fees and costs, and further move the Court to make appropriate provision for payment of the costs of reproduction of the record, of printing of briefs and appendices and of other costs of this appeal as the Court shall deem fit. In support of this motion appellants refer the Court to their Affidavits of Poverty filed herewith.

DATED at Burlington, Vermont, this 28 day of June, 1974.

JAMES P. LEE, JR.

By John A. Dooley

JOHN A. DOOLEY, III
Vermont Legal Aid, Inc.
192 Bank Street
Burlington, Vermont 05401

DATED at Middlebury, Vermont, this 28 day of June, 1974.

RONALD RICH

By Peter F. Langrock

PETER F. LANGROCK
Langrock & Sperry
15 South Pleasant Street
Middlebury, Vermont 05753

IN THE SUPREME COURT OF THE UNITED STATES

JAMES P. LEE and RONALD RICH, Plaintiffs	::	
vs.	::	Appellate Docket No._____
WILLIAM THORNTON, District Director of United States Customs for the District of Vermont; VERNON D. ACREE, United States Commissioner of Customs; WILLIAM E. SIMON, United States Secretary of the Treasury; and THE UNITED STATES OF AMERICA, Defendants	::	

AFFIDAVIT OF JAMES P. LEE IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

NOW COMES the above-named plaintiff, James P. Lee, 702 S. 4th Street, Fresno, California, being duly sworn, and hereby affides and states as follows:

1. The nature of the above-named action is an appeal pursuant to 28 U.S.C. § 1253 from the holding of the three-judge United States District Court for the District of Vermont that plaintiff is not entitled to remission of the penalty assessed against him pursuant to 19 U.S.C. § 1459 and 1595a and 21 U.S.C. § 881, inasmuch as the assessment of the said penalty was a civil proceeding and it was not constitutionally necessary to afford plaintiff the benefit of criminal trial procedures.

2. Plaintiff believes that he is entitled to redress in this proceeding.

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WILLIAM THORNTON, ::
District Director of ::
United States Customs for ::
the District of Vermont; ::
VERNON D. ACREE, ::
United States Commissioner ::
of Customs; ::
WILLIAM E. SIMON, ::
United States Secretary ::
of the Treasury; and ::
THE UNITED STATES ::
OF AMERICA, ::
Defendants ::

AFFIDAVIT OF JAMES P. LEE IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

NOW COMES the above-named plaintiff, James P. Lee, 702 S. 4th Street, Fresno, California, being duly sworn, and hereby affides and states as follows:

1. The nature of the above-named action is an appeal pursuant to 28 U.S.C. § 1253 from the holding of the three-judge United States District Court for the District of Vermont that plaintiff is not entitled to remission of the penalty assessed against him pursuant to 19 U.S.C. § 1459 and 1595a and 21 U.S.C. § 881, inasmuch as the assessment of the said penalty was a civil proceeding and it was not constitutionally necessary to afford plaintiff the benefit of criminal trial procedures.

2. Plaintiff believes that he is entitled to redress in this proceeding.

3. Plaintiff is unable to pay the costs of the proceeding or to give security therefore. In support of this assertion plaintiff makes the following allegations.

4. Plaintiff has no liquid financial assets other than $50 in cash. Plaintiff owns no stocks, bonds, or negotiable instruments of value.

5. Plaintiff owns no real property whatsoever and no personal property other than personal clothing and effects.

6. Plaintiff's only income consists of approximately $110 per week net income from his employment as a cook at a restaurant in Fresno, California.

7. Plaintiff's income is insufficient to defray his costs of living and in addition to pay for the production of a record, jurisdictional statement, briefs, appendix, filing fee, and other costs in this appeal.

DATED at Burlington, Vermont, this 6th day of May, 1974.

James P. Lee

James P. Lee

Subscribed and sworn to before me this 6th day of May, 1974.

Gloria Duchesne

Notary Public

SUPREME COURT OF THE UNITED STATES

JAMES P. LEE, JR.	[]	NO. _____
v	[]	ON APPEAL FROM UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT
WILLIAM L. THORNTON, ET AL	[]	
	[]	CIVIL ACTION NO. 6451
RONALD RICH	[]	CIVIL ACTION NO. 6762
v	[]	
WILLIAM L. THORNTON, ET AL	[]	

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, RONALD RICH, being first duly sworn according to law, depose and say in support of my application for leave to proceed in forma pauperis and not be required to prepay costs or fees;

1. That I am presently incarcerated in the Vermont State Prison located in Windsor, Vermont,

2. That I have no current income, own no personal property or real estate of any value at this time,

3. That I have debts far exceeding any resources which I have at the present time.

Ronald Rich L.S.
Ronald Rich

STATE OF VERMONT
WINDSOR COUNTY, SS.

At Windsor in said County this 15 day of June 1974, personally appeared RONALD RICH and made oath to the truth of the above.

Before me: Kenneth C Cooley Sr
Notary Public

LANGROCK AND SPERRY
ATTORNEYS AT LAW
MIDDLEBURY, VERMONT 05753